

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT				1. CONTRACT ID CODE J		PAGE OF PAGES 1 3	
2. AMENDMENT/MODIFICATION NO. 0011		3. EFFECTIVE DATE 21-Nov-2002		4. REQUISITION/PURCHASE REQ. NO. W16ROE-1323-3646		5. PROJECT NO.(If applicable)	
6. ISSUED BY USA ENGINEER DISTRICT, NEW YORK ATTN: CENAN-CT ROOM 1843 26 FEDERAL PLAZA (DACW51) NEW YORK NY 10278-0090		CODE DACW51		7. ADMINISTERED BY (If other than item 6) See Item 6		CODE	
8. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State and Zip Code)				X		9A. AMENDMENT OF SOLICITATION NO. DACW51-02-B-0001	
				X		9B. DATED (SEE ITEM 11) 15-Feb-2002	
						10A. MOD. OF CONTRACT/ORDER NO.	
						10B. DATED (SEE ITEM 13)	
CODE		FACILITY CODE					
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS							
<input checked="" type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offer <input checked="" type="checkbox"/> is extended, <input type="checkbox"/> is not extended. Offer must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended by one of the following methods: (a) By completing Items 8 and 15, and returning <u>1</u> copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.							
12. ACCOUNTING AND APPROPRIATION DATA (If required)							
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.							
A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.							
B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(B).							
C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:							
D. OTHER (Specify type of modification and authority)							
E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input type="checkbox"/> is required to sign this document and return _____ copies to the issuing office.							
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.) 1. The purpose of this amendment is to make clarifications to Amendment No. #7, see attached on page 2 and 3 of this document. 2. The second purpose of this amendment is to establish a due date for the submission of revised step 1 technical proposal due to the change in performance period as described in Amendment No. 10 . Revised proposals are required to be submitted by December 3, 2002 at 11:00 AM. 3. All other terms and conditions remain unchanged. 4. All Bidders must acknowledge receipt of this amendment by the date specified in the solicitation (or as amended) by one of the following methods: In the space provided on the SF 1442, by separate letter, or by telegram, or by signing the block 15 below. FAILURE TO ACKNOWLEDGE AMENDMENTS BY THE DATE AND TIME SPECIFIED MAY RESULT IN REJECTION OF YOUR BID IN ACCORDANCE WITH THE LATE BID, LATE MODIFICATIONS OF BIDS OR LATE WITHDRAWAL OF BIDS (FAR 14.304)							
Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.							
15A. NAME AND TITLE OF SIGNER (Type or print)				16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)			
				TEL: _____ EMAIL: _____			
15B. CONTRACTOR/OFFEROR (Signature of person authorized to sign)		15C. DATE SIGNED		16B. UNITED STATES OF AMERICA BY _____ (Signature of Contracting Officer)		16C. DATE SIGNED 21-Nov-2002	

SECTION SF 30 BLOCK 14 CONTINUATION PAGE

SUMMARY OF CHANGES

SECTION SF 30 - BLOCK 14 CONTINUATION PAGE

The following have been added by full text:

AMENDMENT #11

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
26 FEDERAL PLAZA
NEW YORK, NY 10278

20 November 2002

AMENDMENT NO. 11

PROJECT NO. DACW51-02-B-0001

TECHNICAL REQUIREMENTS INSTRUCTIONS TO OFFERORS

MAINTENANCE DREDGING AND DISPOSITION OF DREDGED MATERIAL FROM FLUSHING BAY & CREEK, NEW YORK, FEDERAL NAVIGATION CHANNEL

TO PROSPECTIVE BIDDERS:

1) The following clarifications are hereby made to Amendment No. 07, dated October 10, 2002. Text added to amendment No. 07 for clarification is represented by an underline. Text deleted is left in place with strikethrough font. Clarifications to amendment No. 07, Issues 2 and 3 are shown below.

Issue two: Due to the performance of concurrent dredging projects, the use of the same upland facility does not appear feasible. Can a new permitted disposal facility be introduced for consideration if there is a schedule conflict?

Response: The project managers were consulted for the two projects that were referenced in the letter as possibly interfering with the performance of the above referenced projects. One will be done before the subject projects start, and the other will start soon and run for several months. This second project, Port Jersey, may overlap with the above referenced projects or may be done before the above projects begin. The disposal facility stated in a letter referencing the above referenced projects that they are capable of processing up to 15,000 cubic yards per day from multiple projects. Each of the above referenced projects should produce an average of 4,000 cubic yards per day, significantly less than the total capacity.

Any request to introduce a new disposal facility is premature. For the above stated reasons, there does not seem to be a conflict. There is some flexibility in the schedules of the dredging of Flushing Bay, Arthur Kill and Port Jersey projects around the OENJ schedule, that can be evaluated before the need for a new disposal facility is considered. Changing facilities would cause significant delays in obtaining and reviewing the permits for the new facility. We have already invested time in the review of the disposal facility proposed in the Offeror's technical proposal and would not consider duplicating this effort and enduring a delay unless absolutely necessary.

If the use of the proposed upland facility is not feasible at the time that the work is to proceed, then a request to change disposal facility can be made ~~and the contract price re-negotiated, if necessary.~~

Comment: The Government reserves the right to reject the contractor's request to change the disposal facility.

Issue three: The sampling and testing prior to award is an extreme hardship. If the sample results should fail in that the material cannot be disposed of expeditiously, the contractor will be faced with unnecessary claims, delay and even cancellation.

Response: The 70 day period of time to sample and obtain a permit for the disposal facility following the notice of being the low bidder is to provide a reasonable timeframe for the expected schedule of work. If the Offeror cannot sample and obtain permits for the disposal facility in what is considered to be a reasonable time frame ~~due to inefficiencies in his process~~, then USACE has the right not to award the contract, or to proceed to the next lowest bidder.

~~If, on the other hand, the apparent low bidder cannot obtain permits in that time frame because sampling results indicate that the material exceeds the allowable limits for their chosen site, we will consider allowing an additional 30 days to arrange for an alternative site.~~

Comment: The government does not commit to accept changes if the dredged material is not compatible with the offeror's proposed disposal facility.

(End clarification of amendment No. 7)

2) The second purpose of this amendment is to establish a due date for the submission of revised step 1 technical proposals due to the change in performance period as described in Amendment No. 10. The project performance period had been changed from January to February 2003 to **July to August 2003** due to the approaching environmental no dredge window. The availability of the disposal site, dredging capabilities, transportation capabilities and processing capabilities need to be reconfirmed by the Offeror for the new project performance period in accordance with the Step 1 solicitation as described in Amendment No. 10.

Revised proposals, in accordance with Amendment No. 10, are required to be submitted by December 3, 2002 at 11:00.

Sincerely,

Ella Snell
Chief, Contracting Division

NOTE: Only offerors that had submitted proposals in the final discussions under the previously held step 1 are requested to submit revised proposals under this Amendment. That is, revised proposals will be accepted only from offerors who had submitted revised proposals in response to discussion letters dated July 18, 2002 from this office.

(End of Summary of Changes)